

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 154 be amended to read as follows:

- 1 Page 1, between lines 14 and 15, begin a new paragraph and
2 insert:"SECTION 1. IC 9-30-5-5, AS AMENDED BY P.L.175-2001,
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2004]: Sec. 5. (a) A person who causes the death of another
5 person when operating a motor vehicle:
6 (1) with an alcohol concentration equivalent to at least
7 eight-hundredths (0.08) gram of alcohol per:
8 (A) one hundred (100) milliliters of the person's blood; or
9 (B) two hundred ten (210) liters of the person's breath;
10 (2) with a controlled substance listed in schedule I or II of
11 IC 35-48-2 or its metabolite in the person's body; or
12 (3) while intoxicated;
13 commits ~~a Class C felony. However, the offense is~~ a Class B felony. ~~if,~~
14 ~~within the five (5) years preceding the commission of the offense, the~~
15 ~~person had a prior unrelated conviction under this chapter.~~
16 (b) A person who violates subsection (a) commits a separate
17 offense for each person whose death is caused by the violation of
18 subsection (a).
19 (c) It is a defense under subsection (a)(2) that the accused person
20 consumed the controlled substance under a valid prescription or order
21 of a practitioner (as defined in IC 35-48-1) who acted in the course of
22 the practitioner's professional practice.
23 SECTION 2. [EFFECTIVE JULY 1, 2004] **IC 9-30-5-5, as**
24 **amended by this act, applies only to crimes committed after June**
25 **30, 2004."**
26 Renumber all SECTIONS consecutively.
 (Reference is to SB154 as printed January 30, 2004.)

Senator MRVAN

